



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20531
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Paper No. 14

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FEB 7 2002

In re Application of	:	
Norbert Becker	:	DECISION ON PETITION
Application No.: 09/402,581	:	TO WITHDRAW THE
Filing Date: January 10, 2000	:	HOLDING OF ABANDONMENT
Attorney Docket No.: PTO-1390	:	

This is a decision on the "REQUEST TO WITHDRAW OF NOTICE OF ABANDONMENT" filed on July 30, 2001. It is being treated as a petition to withdraw the holding of abandonment of the above-identified application under 37 C.F.R. § 1.181. There is no fee for this petition.

The petition is **GRANTED**.

The application was held abandoned for failure to file a proper reply to the Office action mailed on April 30, 2001. A Notice of Abandonment was mailed on July 17, 2001.

A review of the application file reveals that a final Office action was mailed on October 25, 2000. On April 30, 2001, Applicant filed a Notice of Appeal together with a petition for a three month extension of time. The Notice of Appeal and the petition for a three month extension of time each included a Certificate of Mailing filed dated April 25, 2001, which made the Notice of Appeal timely under the provisions of 37 C.F.R. § 1.8(a).

Under MPEP section 1206, Applicant had a time period of two months from the filing date of the Notice of Appeal (i.e., on or before June 25, 2001) to file an Appeal Brief. However, this time period may of been extended up to four more months with a petition for an extension of time under 37 C.F.R. § 1.136(a). Thus, the mailing of the Notice of Abandonment on July 17, 2001 was clearly premature. Accordingly, the Notice of Abandonment is **VACATED** and the application is reinstated.

Since the two month time period to file an Appeal Brief had expired more than two weeks before the Notice of Abandonment was mailed, **the application is only being reinstated as if this two month time period had expired as of the mailing date of this decision.** However, as mentioned above, Applicant may extend this period up to four months (i.e., up to four months from the mailing date of this decision) with a petition for an extension of time under 37 C.F.R. § 1.136(a).

The application file is being forwarded to the Central Files area of Technology Center 2800 to await any further action from the applicant.

Edward Westin
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